
Education Committee

HB 1121

Brief Description: Concerning the emergency waiver of graduation requirements.

Sponsors: Representatives Santos, Ybarra, Ortiz-Self, Gregerson, Paul, Stonier, Pollet, Bergquist and Harris-Talley; by request of State Board of Education.

Brief Summary of Bill

- Authorizes the State Board of Education to permit public and private schools to grant individual student emergency waivers from credit and subject area graduation requirements, graduation pathway requirements, or both, due to a disruption from a local, state, or national emergency.
- Makes students in the graduating class of 2020 and subsequent classes eligible for the emergency waiver program.

Hearing Date: 1/15/21

Staff: Ethan Moreno (786-7386).

Background:

State Board of Education.

With origins predating statehood, the 16-member State Board of Education (SBE) is comprised of five members elected by geographic regions by school board directors, one member elected by private school directors, seven members appointed by the Governor, the Superintendent of Public Instruction (SPI), and two non-voting student members.

The SBE has various duties and powers prescribed in statute, including:

- providing advocacy and strategic oversight of public education;
- establishing high school graduation requirements or equivalencies;

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- identifying scores students must meet to achieve standard on statewide assessments; and
- accrediting private schools.

Graduation Requirements—Overview.

To qualify for graduation from a public high school in Washington, students must satisfy course and credit requirements established by the SBE, meet any locally established requirements, complete a high school and beyond plan (HSBP), and meet the requirements of at least one graduation pathway option.

Instructional Hour and Day Requirements.

School districts must meet annual minimum requirements for provided instructional hours and school days. Students in grades nine through 12 must be offered a district-wide average of at least 1,080 instructional hours each year, while students in kindergarten through grade eight must be offered a district-wide annual average of at least 1,000 instructional hours. School districts must also offer a minimum of 180 days of instruction each year to students in all grades.

Novel Coronavirus—Emergency Waivers.

Legislation adopted in 2020 in response to the novel coronavirus (COVID-19) pandemic directed the SBE to establish and administer a new and temporary waiver program for public and private schools impacted by the pandemic. Engrossed House Bill 2965 (enacted as chapter 7, Laws of 2020), authorized school districts, charter schools, and tribal compact schools to apply to the SBE for a waiver of high school graduation requirements or equivalencies for students in the graduating class of 2020 or earlier who cannot meet the statewide minimum credit and subject area graduation requirements due to school closures related to COVID-19.

The legislation also authorized the SBE to waive provisions relating to the number of instructional hours, the number of school days, credit-based graduation requirements, and other provisions for the 2019-20 school year for private schools that closed due to COVID-19.

The emergency waiver authority of the SBE expired July 31, 2020.

Summary of Bill:

Beginning with the graduating class of 2020, the SBE may authorize school districts and other delineated education entities to grant individual student emergency waivers from credit and subject area requirements established by the SBE, graduation pathway requirements, or both if:

- the student's ability to complete the requirement was impeded due to a significant disruption resulting from a local, state, or national emergency;
- the school district demonstrates a good faith effort to support the individual student in meeting the requirement before considering an emergency waiver;
- the student was reasonably expected to graduate in the school year when the emergency waiver is granted; and
- the student has demonstrated skills and knowledge indicating preparation for the next steps identified in their HSBP and for success in postsecondary education, gainful employment,

and civic engagement.

The SBE is directed to adopt rules for the administration of the emergency waiver program and may revise the rules periodically. The rules may include:

- an application and approval process for school districts;
- eligibility criteria;
- limitations on the number and type of credits that can be waived; and
- expectations of the school district regarding communication with students and their parents or guardians.

A school district that is granted the authority to issue emergency waivers to students must meet the following requirements:

- adopt by resolution a written plan that describes the school district's process for students to request or decline an emergency waiver, and a process for students to appeal within the school district a decision to not grant an emergency waiver;
- maintain a record of courses and requirements waived as part of the individual student record;
- include a notation of waived credits on the student's high school transcript;
- report student level emergency waiver data to the Office of the Superintendent of Public Instruction in a manner determined by the SPI in consultation with the SBE; and
- determine if there is disproportionality among student subgroups receiving emergency waivers and, if so, take appropriate corrective actions to ensure equitable administration.

In addition to school districts, the emergency waiver program may be accessed by charter schools, tribal compact schools, private schools, the Washington State School for the Deaf, the Washington State School for the Blind, and community and technical colleges granting high school diplomas.

For purposes of the emergency waiver program, "emergency" is defined as a natural event, mechanical failure, or an action or inaction by one or more persons, including negligence and threats, that: is beyond the control of both a school district and its employees; and has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. The term "emergency" does not include any labor dispute between a school district board of directors and any employee of the school district.

Appropriation: None.

Fiscal Note: Requested on January 13, 2021.

Effective Date: The bill contains an emergency clause and takes effect immediately.